

To: Cohen, Adam[Adam.Cohen@dgsllaw.com]; Quast, Sylvia[Quast.Sylvia@epa.gov]
Cc: Strauss, Alexis[Strauss.Alexis@epa.gov]; glovato@ndep.nv.gov[glovato@ndep.nv.gov];
Genovese, Robert (BP)[Robert.Genovese@bp.com]
From: Frederick J. Perdomo
Sent: Mon 12/11/2017 10:19:11 PM
Subject: RE: Anaconda Copper Mine Site - Revised Draft Deferral Agreement

Good afternoon,

Adam's edits to the document are consistent with my notes from December 6th and 7th. NDEP recommends two non-substantive edits to the document. They are as follows:

- Page 1, §1, ¶ 3, second to last sentence: "Once fully executed, the IAOC will be attached to this Deferral Agreement as Attachment D."
- Comma added to correct grammatical issue.
- Page 3, Section II(D)(2): "NDEP will implement a CERCLA-protective cleanup of the Site, which for the purposes of ~~the~~ this Deferral Agreement is defined herein as follows."
- "this Deferral Agreement" as opposed to "the Deferral Agreement" is used throughout the document since the reference is to this agreement as opposed to some other agreement.

Finally, the signature block for EPA is still blank, so the block should be updated once EPA's signatory is named. Please let me know if you have any questions or comments about the above suggested edits.

--Rick

Senior Deputy Attorney General

State of Nevada | Office of the Attorney General

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From: Cohen, Adam [mailto:Adam.Cohen@dgsllaw.com]
Sent: Monday, December 11, 2017 12:26 PM
To: Quast, Sylvia; Frederick J. Perdomo
Cc: Strauss, Alexis; glovato@ndep.nv.gov; Genovese, Robert (BP)
Subject: RE: Anaconda Copper Mine Site - Revised Draft Deferral Agreement

Fine with me. I will prepare a final, clean copy of the document and circulate.

Adam S. Cohen • Partner
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From: Quast, Sylvia [mailto:Quast.Sylvia@epa.gov]
Sent: Monday, December 11, 2017 1:23 PM
To: Cohen, Adam <Adam.Cohen@dgsllaw.com>; Frederick “Rick” J. Perdomo (fperdomo@ag.nv.gov) <fperdomo@ag.nv.gov>
Cc: Strauss, Alexis <Strauss.Alexis@epa.gov>; glovato@ndep.nv.gov; Genovese, Robert (BP) <Robert.Genovese@bp.com>
Subject: RE: Anaconda Copper Mine Site - Revised Draft Deferral Agreement

We are ok with the Deferral Agreement as attached to your email. Just a few text corrections to offer:

Page 6, add a line between E and F

Page 7, remove all hyphens top paragraph

Page 8, remove hyphen in first full paragraph

Let me know if any of these give either of you heartburn.

Thanks,

Sylvia

From: Cohen, Adam [<mailto:Adam.Cohen@dgsllaw.com>]
Sent: Friday, December 08, 2017 2:36 PM
To: Quast, Sylvia <Quast.Sylvia@epa.gov>; Frederick "Rick" J. Perdomo (fperdomo@ag.nv.gov) <fperdomo@ag.nv.gov>
Cc: Strauss, Alexis <Strauss.Alexis@epa.gov>; glovato@ndep.nv.gov; Genovese, Robert (BP) <Robert.Genovese@bp.com>; Cohen, Adam <Adam.Cohen@dgsllaw.com>
Subject: Anaconda Copper Mine Site - Revised Draft Deferral Agreement

Sylvia and Rick – I'm attaching a cleaned-up redline of the Deferral Agreement, reflecting our negotiations yesterday and Wednesday. Redlining indicates changes to the version of the document that we received from NDEP on November 28. Please review to confirm that I have accurately documented the changes agreed to during our meetings. Once I have your confirmation, I will circulate a clean copy of the document for signature.

I will also reach out to Robert Saint-Aubin about advancing the Tolling Agreement. We informed NDEP on November 8, 2017 that the form of the document that NDEP received from the Tribe's consultant and then forwarded to ARC on October 23 was acceptable and ready for signature. We indicated at the time that ARC's preference is to sign the Tolling Agreement at or about the same time the other deferral-related documents are executed.

Thanks again to you and your clients for the productive discussions.

Adam S. Cohen ■ **Partner**

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